

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL
DISTRICT OF HINDS COUNTY, MISSISSIPPI**

ASHLEY HUGHES

PLAINTIFF

VS.

CAUSE NO. 19-28

**DON EVANS, PLLC, DON EVANS
and John and Jane Does Persons and Entities 1-10**

DEFENDANTS

COMPLAINT
(Plaintiff Demands Trial by Jury)

Plaintiff Ashley Hughes, by and through counsel, files this Complaint against Defendants Don Evans, LLC, Don Evans and John and Jane Does Persons and Entities 1-10, to recover such damages allowable by law as the jury may determine to be just. In support of this Complaint, Plaintiff avers the following:

PARTIES

1. Plaintiff Ashley Hughes (hereinafter "Plaintiff" or "Hughes") is adult resident citizen of Rankin County, residing at 74 Fern Valley Road, Brandon, Mississippi.
2. Defendant Don Evans, PLLC is a business entity organized and existing under the laws of the State of Mississippi, which can be served through its registered agent, Don Evans, at 500 East Capitol Street, Ste. 2, Jackson, Mississippi.
3. Defendant Don Evans is an adult resident citizen of the State of Mississippi who can be served with process at his business address of 500 East Capitol Street, Ste. 2, Jackson, Mississippi and/or where he otherwise may be found.

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4. Defendant John and Jane Does Persons and Entities 1-10 are persons or business entities unknown to Plaintiff after reasonably diligent inquiry, who/which reside in/exist under the laws of the State of Mississippi and were at all times acting as employees, agents or representatives of the named Defendants as set-forth herein and who/which are liable for the damages sustained by Plaintiff.

JURISDICTION and VENUE

5. This Court has jurisdiction of the parties and the subject matter herein. All alleged acts or omissions/substantial injury causing events giving rise to the cause of action occurred in the First Judicial District of Hinds County making venue proper in this Court.

FACTS

6. Plaintiff Ashley Hughes was employed by Defendant Don Evans, PLLC, working as a legal assistant under the direct supervision of Defendant Don Evans.

7. At all time relevant to the allegations of the Complaint, Defendant Evans was the owner and principal of Defendant Don Evans, PLLC, such that his individual conduct is imputed to his business entity, which is vicariously liable for his (in)actions/conduct/(mis)(mal)feasance.

8. During the course of her work, Plaintiff was exposed to routine sexual harassment and verbal abuse at the hands of Evans. Specifically, Defendant Evans placed a writing utensil in front of his crotch and made a gesture as if masturbating; suggested Plaintiff should crawl across the front seat of her car so he could see up her dress; stated that Plaintiff- who was

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working behind Defendant Evans' desk to clean-up and secure files, should crawl under his desk and give him oral sex; and encouraged Plaintiff to crawl across his desk so he could see up her dress. Defendant Evans also routinely referred to the size of Plaintiff's breasts, making-up a "rhyme" about Plaintiff and another employee, Katie Menotti: "***Katie Menotti with the hot body, and Ashley Hughes with the big boobs.***"

9. Defendant Evans also routinely abused his staff as a whole and subjected them to inappropriate sexual situations. Defendant Evans used profanity directed to and heaped abuse on his employees, calling them incompetent and "f*cking idiots." Defendant Evans also supplied the staff with alcohol and encouraged drunken behaviour that included staff members giving each other "lap dances."

10. Plaintiff complained to human resources. Despite admonitions and warnings from human resources, Defendant Evans continued his pattern of pervasive sexual and verbal abuse. As a result, Plaintiff was forced to leave her employment with Defendants.

SEXUAL HARASSMENT and CONSTRUCTIVE/WRONGFUL TERMINATION

11. Plaintiff incorporates and reasserts the allegations of paragraphs 1 through 10 of the Complaint.

12. At all times pertinent to the allegations of the Complaint, Plaintiff was employed by Defendants.

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13. For the reasons set-forth above, Defendants subjected Plaintiff to sexual harassment and made conditions so intolerable and unbearable that Plaintiff felt compelled to resign, amounting to a constructive termination.

14. Under the circumstances, Defendants' termination of Plaintiff was against public policy, illegal, wrongful and/or tortious, and Plaintiff is entitled to all damages allowed at law for this wrongful termination.

NEGLIGENCE/NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS

15. Plaintiff incorporates and reassert the allegations of Paragraphs 1 through 14 of the Complaint.

16. The actions as alleged in the preceding paragraphs of the Complaint, *supra*, were the result of negligence on the part of the Defendants, individually and/or jointly and severally. That is, Defendants, at all times, owed Plaintiff a duty to exercise reasonable care, which they breached. As a proximate and foreseeable result of Defendants' negligent actions, Plaintiff was damaged, resulting in personal injuries and emotional distress and other economic (i.e., attorney's fees and loss of wages) and non-economic damages (including mental and emotional distress) to be proven in this litigation. Consequently, Plaintiff is entitled to and seeks an award of all damages allowed under the law and supported by the evidence.

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**INTENTIONAL CONDUCT, INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS and OUTRAGE**

17. Plaintiff incorporates and reasserts the allegations of Paragraphs 1 through 16 of the Complaint.

18. In the alternative, Defendants' conduct, including, but not limited to, the conduct of Defendant Evans and other John and Jane Does, as alleged in this Complaint, was/were intentional and reckless; extend(ed)(s) beyond mere insults, indignities, threats, annoyances, petty oppressions and other trivialities; and would cause an average member of the community to arouse as a resentment against Defendants and lead them to exclaim that the conduct in question was so outrageous in character and so extreme in degree, as to go beyond the bounds of all decency, and to be regarded as atrocious and utterly intolerable in a civilized community. Specifically, Defendant Evans (acting on behalf/as principal of) routinely sexually harassed and verbally abused Plaintiff and other members of his staff as set-forth above.

19. As a proximate and foreseeable result, Plaintiff experienced great, extreme emotional distress. Plaintiff was also forced to incur attorney's fees and expenses and other economic damages to be proven at a trial of this matter.

BREACH OF CONTRACT

20. Plaintiff incorporates and reasserts the allegations of paragraphs 1 through 19 of the Complaint.

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21. After Plaintiff's termination, Defendants failed to provide proper notice of Cobra coverage and/or otherwise failed/refused to provide Plaintiff with the proper information/documentation necessary for Plaintiff to obtain insurance. Further, Defendants agreed, but failed, to continue Plaintiff's health insurance for a period of three (3) months after her termination. As a result, Plaintiff incurred substantial out-of-pocket medical expenses. Defendants are liable for these expenses and other economic costs/damages attendant with their breach(es) as set-forth above.

DAMAGES

22. Plaintiff incorporates and reasserts the allegations of paragraphs 1 through 21 of the Complaint.

23. As a direct and proximate result of the Defendants' conduct as set-forth herein, Plaintiff has suffered personal injuries and emotional distress, and will continue to suffer, substantial actual, economic and compensatory damages, including, but not limited to, economic losses in the form of lost wages and attorney's fees incurred in bringing this action; severe emotional distress and mental anguish, anxiety, worry, and other damages to be shown at the trial of this matter, for all of which Plaintiff is entitled to be compensated by these Defendants in an amount to be determined by a Jury at the trial of this matter.

24. The actions of Defendants, as set forth in the preceding paragraphs, other than those specifically pled as and/or which otherwise constitute mere negligence, were so

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outrageous/wilful/wanton/reckless and/or malicious as to shock the conscious of a reasonable person and proximately caused Plaintiff to suffer, and to continue to suffer, severe anxiety and emotional distress, and was conduct Defendants knew, or should have known, would cause Plaintiffs to suffer severe emotional distress. As a result of their outrageous conduct as set forth herein, Defendants are liable to Plaintiff for an amount of money sufficient to compensate her for her severe personal injuries and/or emotional distress, as well as punitive damages in amount sufficient to punish Defendants for their misconduct and deter Defendants, and others similarly situated, from engaging in similar behavior in the future.

25. The conduct of the Defendants, as referenced in the preceding paragraphs, was done with actual malice and/or gross negligence which evidences a willful, wanton or reckless disregard for the safety of others (and/or other such conduct as pled herein) making the Defendants liable to Plaintiff for punitive damages, under Miss. Code Ann. § 11-1-65 and/or under the common law, in an amount to be determined by a Jury, but in an amount sufficient to punish Defendants for their misconduct, and to deter these Defendants, and others similarly situated, from engaging in such acts and conduct in the future.

RESERVATION OF CLAIMS

26. Plaintiff incorporates and reasserts the allegations of Paragraphs 1 through 25 of this Complaint.

27. As a result of Defendants' conduct as outlined herein, Plaintiff is without knowledge or information sufficient to form a belief as to whether other claims and damages

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may exist. However, contingent on the facts revealed by investigation and discovery, Plaintiff expressly reserves her right to raise any additional claims and assert any additional grounds as may be appropriate.

WHEREFORE, THE ABOVE PREMISES CONSIDERED, PLAINTIFF demands a trial by jury and judgment from and against Defendants for actual, compensatory, consequential, incidental, punitive and any other damages as may be allowed, as well as costs and attorney's fees, and any other available relief, as may be necessary to adequately compensate Plaintiff. Plaintiff also asks this Court for any and all other relief appropriate under the circumstances.

Respectfully submitted,
ASHLEY HUGHES

By: 

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